IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 1429 of 2007(T)

PETITIONER:

1. KOZHIKODE DISTRICT PETROLEUM DEALERS ASSOCIATION, NADAKKAVU, KOZHIKODE-6, REPRESENTED BY ITS SECRETARY K.P. SIVANANDAN.

2. MINERVA SERVICE STATION, H.P.C. DEALERS, KUNNAMANGALAM, CALICUT, REPRESENTED BY ITS PARTNER.

3. SHANKAR PETROLEUM AGENCIES, IOC DEALERS, PERUMANNA, KUNNAMANGALAM, CALICUT, REPRESENTED BY ITS PROPRIETOR, AJAYAKUMAR. P.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI
SMT.DHANYA CHANDRAN

RESPONDENTS:

1. THES HINDUSTAN PETROLEUM CORPORATION LTD., ELATHUR, KOZHIKODE-676 303, REPRESENTED BY ITS SENIOR REGIONAL MANAGER.

2. INDIAN OIL CORPORATION LTD., FEROKE DEPOT, FEROKE, KOZHIKODE, REPRESENTED BY ITS SENIOR DEPOT MANAGER.

BY SRI A.M.SHAFIQUE, STANDING COUNSEL

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R.RAMAN,J.

W.P.(C).NO.1429 OF 2007

Dated this the 19th day of January, 2007

JUDGMENT

First respondent is an Association of Petroleum Dealers in Kozhikode District, second petitioner is a Service Station of H.P.C. Dealers, Kunnamangalam and the third petitioner is a Petroleum Agencies, IOC Dealers, Kunnamangalam, Calicut. Petitioners seek for a writ of mandamus directing the respondents to permit their dealers to take delivery of petroleum products in tank trucks of their choice having transportation contract with the respondents in accordance with the directions contained in Exts.P1 and P3 judgments of this Court and further seek for a direction that the dealers of the respondents in Kozhikode are entitled to the benefit of

Exts.P1 to P3 judgments. Ext.P6 is a letter issued by the Ist respondent with reference to the letter dated 17/10/2006 addressed to the Advocates to the petitioners. According to Ext.P6 letter, the judgments cited are directed supplies from lst respondent's installation at Irumpanam, Cochin and does not cover their installation at Elathur, Calicut. This being the only objection raised, it has to be found that the objection is not sustainable. Merely because of the change in the place of installation there cannot be any difference in the law to be applied. In the circumstances, it is declared that the petitioners are also entitled for the benefit contained in Exts1 and P3 judgments.

Writ petition is disposed of as above.

P.R.RAMAN,
Judge.

kcv.